

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 13-CR-20886

vs.

HON. BERNARD A. FRIEDMAN

MANDELL DEMETRI HUNT,

Defendant.

ORDER DENYING DEFENDANT’S MOTION FOR COMPASSIONATE RELEASE

This matter is presently before the Court on defendant’s motion for compassionate release [docket entry 42]. Defendant seeks release from prison and either home confinement or early release. The government has filed a response in opposition, and defendant has filed a supplemental brief. Pursuant to E.D. Mich. LR 7.1(f)(2), the Court shall decide this motion without a hearing.

Defendant is ineligible for compassionate release under 18 U.S.C. § 3582(c)(1)(A)¹ because he has not exhausted his administrative remedies, as he indicates on

¹ Section 3582(c) states in relevant part:

Modification of an Imposed Term of Imprisonment.—The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may

page 3 of his supplemental brief. The law in this circuit is that a defendant seeking compassionate release must exhaust his administrative remedies before seeking such relief in court. *See United States v. Alam*, 960 F.3d 831 (6th Cir. 2020). If, as in the present case, defendant files a motion for compassionate release before exhausting his administrative remedies, the Court must “dismiss it without prejudice.” *Id.* at 836. Accordingly,

IT IS ORDERED that defendant’s motion for compassionate release is denied without prejudice.

Dated: September 29, 2020
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction . . .